

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JIMMIE L. RAINES,)	
)	
)	Case No. 05-1756
Petitioner,)	Judge Terrence McVerry
)	Magistrate Judge Lisa Lenihan
vs)	
)	
COMMONWEALTH OF)	
PENNSYLVANIA, DISTRICT)	
ATTORNEY OF ALLEGHENY COUNTY)	
)	
Respondents.)	

REPORT AND RECOMMENDATION

AND NOW, this 28th day of December, 2005, after Jimmie Raines presented a petition for a writ of habeas corpus which he seeks leave to prosecute in forma pauperis, and it appearing that he has a balance of \$10.00 in his inmate account and also that he received over the past 6 months an average income of 23.66 and over the last 6 months has had an average balance of 18.83, both of which are sums in excess of the minimal \$5.00 filing fee required to commence this action, and it further appearing that requiring the petitioner to pay the filing fee will not deprive him of any necessities of life at the Institution,

It is recommended that leave to proceed in forma pauperis be denied, and, if it is petitioner's desire to proceed with this action, that he submit the \$5.00 filing fee within 20 days of the adoption of this Report and Recommendation.

Within 10 days after being served with a copy, any party may serve and file written objections to the Report and Recommendation. Any party opposing the objections shall have seven days from the date of service of objections to respond thereto. Failure to file timely objections may constitute a waiver of any appellate rights



LISA PUPO LENIHAN
United States Magistrate Judge

cc: Jimmie Raines
FW -7136
SCI Somerset
1600 Walters Mill Road
Somerset, PA 15510